

### REMARKS

Claims 1-16 are pending in the present application. By this response, claims 1, 10 and 14 are amended to recite, reporting the exception condition to the primary test computer immediately upon detection of the exception condition. Support for the amendments to claims 1, 10 and 14 may be found at least on page 5, lines 8-9. Reconsideration of the claims in view of the above amendments and the following remarks is respectfully requested.

#### **I. 35 U.S.C. § 102, Alleged Anticipation, Claims 1-16**

The Office Action rejects claims 1-16 under 35 U.S.C. § 102(b) as being anticipated by Tse (U.S. Patent No. 5,742,754). This rejection is respectfully traversed.

As to independent claim 1, the Office Action states:

Tse's disclosure teaches, "*A method for testing an application program, comprising the steps of: capturing input data entered into a primary test computer testing an application program*" (see column 4, 24-45, the user defines a software product for testing, a proper test suite, and a plurality of different computer hardware configurations for a software testing "job.");

*"sending the input data from the primary test computer to a secondary test computer also testing the application program; receiving the input data by the secondary test computer"* (see column 4, lines 54-67, The product build computer system is generally used to compile the software product being tested before it is down loaded as binary instructions onto a servant computer system);

*"executing the application program by the secondary test computer responsive to the input data"* (see column, 5, lines 20-25, executing a particularly job on one servant computer system);

*"when an exception condition occurs while executing the application program by the secondary computer, reporting the exception condition to the primary test computer"* (see column 5, lines 20-37, the test results are then generated as either test suite log...);

*"and displaying the exception condition by the primary test computer"* (see column, 5, lines 39-49, the server computer system takes the test suite logs, ...test suite logs identifying whether each executable command has passed or failed).

Office Action dated September 10, 2003, pages 2-3.

Claim 1, which is representative of the other rejected independent claims 10 and 14, with regard to similarly recited subject matter reads as follows:

1. A method for testing an application program, comprising the steps of:
  - capturing input data entered into a primary test computer testing an application program;
  - sending the input data from the primary test computer to a secondary test computer also testing the application program;
  - receiving the input data by the secondary test computer;
  - executing the application program by the secondary test computer responsive to the input data;
  - when an exception condition occurs while executing the application program by the secondary computer, reporting the exception condition to the primary test computer immediately upon detection of the exception condition; and
  - displaying the exception condition by the primary test computer.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. In re Bond, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. In re Lowry, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Applicants respectfully submit that Tse does not identically show each and every feature of the claims arranged as they are in the claims. Specifically, Tse does not teach reporting the exception condition to the primary test computer immediately upon detection of the exception condition and displaying the exception condition by the primary test computer.

Tse is directed to a method for testing a software product using a server computer system and a plurality of servant computer systems, which are networked together. The method includes providing the server computer system with the software product to be tested and an associated test suite. The test suite is designed to exercise the software product and generate a test suite log indicative of test results obtained from executing the test suite. The server computer system then transmits the software product and the test

suite to user-defined servant computer systems such that the software product and test suite is executed on each of the user-defined servant computer systems. A test suite log is then generated on each of the selected servant computer systems and transmitted back to the server computer system.

Thus, with the platform of Tse, the software suite is tested on different operating system platforms running on the servant computer systems and test results, either pass or fail, are reported to the server computer system after the software test has been completed. While the servant computer system does report the results of the software test, any errors encountered during the test are written to a log file. Tse does not teach reporting the exception condition to the primary test computer immediately upon detection of the exception condition, as recited in claim 1. The Office Action alleges that this feature is taught at column 5, lines 20-37, which read as follows:

Once the software products are obtained for executing a particular job on one servant computer system, the method will proceed to step 109 where the job is executed on that servant computer system. As another scheduled servant computer system becomes available, the job will then be executed on that servant computer system. Therefore, each of the servant computer systems are able to simultaneously process jobs (i.e., in parallel). As will be described in greater detail below, a job is executed by running the user-defined test suite on the software product provided for testing. The test results are then generated as either test suite logs, test coverage data files or both. Once the software product has been tested on a user-defined servant computer system, the method proceeds to step 111 where the server computer system receives a job complete confirmation from the user-defined servant computer system. If there are any other jobs in queue for the available servant computer system, the method will revert back to step 107 where the software products necessary to execute the job are obtained.

In this section, Tse is describing testing the software on a servant computer system and generating the test results as either test suite logs and/or test coverage data files. After the software has been tested a job complete status is sent from the servant computer system to the server computer system. There is nothing in this section, or any other section of Tse, which teaches reporting the exception condition to the primary test computer immediately upon detection of the exception condition. The system of Tse is a software testing process where the servant computers log all the results of the software

test and the log files are analyzed by the server test computer after all of the servant computer systems have completed the software test.

Furthermore, Tse does not teach displaying the exception condition by the primary test computer. The Office Action alleges that this feature is at column 5, lines 39-49, which reads as follows:

The method then proceeds to step 122 where the server computer system takes the test suite logs and test coverage data files (if applicable) and analyzed the results received from each servant computer system in accordance with user-defined definitions. As described above, the results from executing a user-defined test suite are generally produced as test suite logs identifying whether each executable command has passed or failed. Similarly, if test coverage analysis was requested by the user, a test coverage data file would be generated to indicate the exercised portions of code.

This section of Tse merely describes compiling all of the log files on the server computer systems for analysis. The log files contain the results of the software test suite and whether each command has passed or failed. There is nothing in this section, or any other section of Tse that teaches displaying the exception condition by the primary test computer, which is in response to receiving a report of an exception condition at the primary test computer immediately upon detection of the exception condition.

Thus, Tse does not teach each and every feature of claim 1 as is required under 35 U.S.C. § 102(b). Similar distinctions apply to similar features found in independent claims 10 and 14. At least by virtue of their dependency on independent claims 1, 10 and 14, respectively, Tse does not teach each and every feature of dependent claims 2-9, 11-13 and 15-16. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-16 under 35 U.S.C. § 102(b).

Furthermore, Tse does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. In fact, Tse does not even recognize the need for reporting the exception condition to the primary test computer immediately upon detection of the exception condition and displaying the exception condition by the primary test computer. Absent the Examiner pointing out some teaching or incentive to implement Tse to report and display the exception condition immediately upon detection of the exception condition, one of ordinary skill in the art would not be

led to modify Tse to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify Tse in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the applicants' disclosure as a template to make the necessary changes to reach the claimed invention.

Moreover, in addition to its dependency on claim 1, Tse does not teach the specific feature recited in claim 4. That is, Tse does not teach logging the exception condition by the primary test computer. The Office Action alleges that this feature is taught at column 5, lines 39-49, as shown above. This section merely describes how the servant computer systems log the pass/fail results of the executable commands identified within the software test. There is nothing in this section, or any other section, of Tse that teaches a primary test computer logging the test results of the software test suite.

Moreover, in addition to its dependency on claim 10, Tse does not teach the specific feature recited in claim 11. That is, Tse does not teach displaying the exception condition by the primary test computer. The Office Action alleges that this feature is essentially the same as the feature in claim 1 and is rejected for the same reason. As shown above, Tse does not teach reporting the exception condition to the primary test computer immediately upon detection of the exception condition, thus, Tse does not teach displaying the exception condition that is reported immediately upon detection of the exception condition.

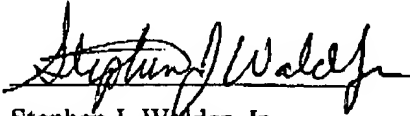
Therefore, in addition to being dependent on independent claims 1 and 10 respectively, dependent claims 4 and 11 are also distinguishable over Tse by virtue of the specific feature recited in these claims. Accordingly, Applicants respectfully request withdrawal of the rejection of dependent claims 4 and 11 under 35 U.S.C. § 102(b).

**II. Conclusion**

It is respectfully urged that the subject application is patentable over Tse and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

DATE: December 8, 2003



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